

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION;
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC;
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN INSURANCE
COMPANY; NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE
INSURANCE COMPANY; ALLIED WORLD ASSURANCE

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: 07-CV-6915 (DLC)
: **ECF CASE**

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: **DECLARATION OF**
: **MICHAEL S. MILLER**
: **IN SUPPORT OF**
: **MOTION TO ADMIT**
: **COUNSEL**
: **PRO HAC VICE**

COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :
: :
: :
Fourth-Party Defendants. :

Michael S. Miller, of full age, subscribes and affirms under penalty of perjury as follows,
pursuant to 28 U.S.C. §1746:

1. I am a partner at Tompkins, McGuire, Wachenfeld & Barry, LLP, counsel to Fourth-Party Defendant Lumbermens Mutual Casualty Company ("LMC"), improperly sued as Kemper Casualty Insurance Company d/b/a Kemper Insurance Company in the above-captioned action. I am fully familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of LMC's motion to admit Brett L. Warning as counsel, pro hac vice, to represent LMC in this matter.
2. I am a member in good standing of the bars of the State of New York and the State of New Jersey and was admitted to practice law in the State of New York in 1986. I am also admitted to the bars of the United States Circuit Courts of Appeal for the Second and Third Circuits and the United States District Courts for the Southern District of New York, the Eastern District of New York and the District of New Jersey, and am in good standing with those Courts.
3. I have known Mr. Warning for several months.

4. Mr. Warning is an associate at Bollinger, Ruberry & Garvey in Chicago, Illinois.
5. I have found Mr. Warning to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Accordingly, I am pleased to move for the admission of Brett L. Warning, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Brett L. Warning, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that this motion to admit Brett L. Warning, pro hac vice, to represent Fourth-Party Defendant LMC in the above-captioned matter, be granted.

DATED: February 19, 2008

s/ Michael S. Miller
Michael S. Miller

EXHIBIT A

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INSURANCE COMPANY; GREAT AMERICAN INSURANCE
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COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE
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COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO

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: 07-CV-6915 (DLC)
: **ECF CASE**

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: **ORDER FOR**
: **ADMISSION**
: **PRO HAC VICE**
: **OF BRETT L.**
: **WARNING**
: **ON WRITTEN**
: **MOTION**

CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :
: :
: :
Fourth-Party Defendants. :

Upon the motion of Michael S. Miller, attorney for Lumbermens Mutual Casualty Company
and said sponsor attorney's declaration in support,

IT IS HEREBY ORDERED that:

Applicant's Name: Brett L. Warning
Firm Name: Bollinger, Ruberry & Garvey
Address: 500 West Madison Street, 23rd Floor
City/State/Zip: Chicago, Illinois 60661
Telephone/Fax: (312) 466-8000 / (312) 466-8001
Email address: brett.warning@brg-law.net

is admitted to practice pro hac vice for Fourth-Party Defendant Lumbermens Mutual Casualty Company, improperly sued as Kemper Casualty Insurance Company, d/b/a Kemper Insurance Company, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including Rules governing discipline of attorneys. Counsel shall immediately apply for an ECF password at nyds.courts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

United States District / Magistrate Judge